

REMARKS

In the April 1, 2005 Office Action, claims 1-4, 7, 18 and 19 stand rejected in view of prior art, while claims 5 and 8-17 were indicated as being allowed. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the April 1, 2005 Office Action, Applicants have amended independent claims 1, 18 and 19 as indicated above. Applicants have also added new dependent claims 20- 25. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-25 are pending, with claims 1, 18 and 19 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Specification

In numbered paragraph 2 of the Office Action, it was indicated that the specification had not checked for typographical errors. Applicants will amend the specification to correct any typographical errors that Applicants become aware of in the specification.

Rejections - 35 U.S.C. § 102

In numbered paragraphs 3 and 4 of the Office Action, claims 1-4, 18 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,520,552 (the Graham et al. patent). In response, Applicants have amended independent claims 1, 18 and 19 to clearly define the present invention over the prior art of record. Thus, this rejection is now moot.

In particular, independent claims 1, 18 and 19 now recite that the curved or collapsing parts have a ***hollow, closed cross section*** in which load transmitting surfaces collapse

sequentially against the widthwise frame member(s) during a frontal collision. Clearly, this structure is *not* disclosed or suggested by the Graham et al. patent or any other prior art of record. In particular, the girder elements (curved or collapsing parts) 46 and 48 of the Graham et al. patent are *open cross section*, i.e., U-shaped members. Thus, the girder elements (curved or collapsing parts) 46 and 48 of the Graham et al. patent do not collapse in the same manner of the present invention. When the *hollow, closed cross section* of the present invention deforms or collapses, a portion of the energy from the collision is absorbed by the deformation or collapsing of the *hollow, closed cross section* of the curved or collapsing parts.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that independent claims 1, 18 and 19, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims 2-4 and 7 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-4, 6 and 7 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of these rejections.

Rejections - 35 U.S.C. § 103

In numbered paragraphs 5-7 of the Office Action, claims 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Graham et al. patent. In response, Applicants

have amended independent claim 1 as mentioned above. Thus, this rejection is now moot for the reasons set forth above with respect to independent claim 1.

In other words, this *claimed* arrangement is *not* disclosed or suggested by the Graham et al. patent or any other prior art of record as mentioned above. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement.

More specifically, if the structure of the Graham et al. patent were some how modified to meet the claims of the present invention, it would require a complete reconstruction of the structure of the Graham et al. patent, which would destroy the teaching of the Graham et al. patent.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Allowable Subject Matter

In numbered paragraph 8 of the Office Action, claims 5 and 8-17 were indicated as being allowed. Applicants wish to thank Examiner Engle for this indication of allowable subject matter and the thorough examination of this application. Independent claims 8 and 13 have been further amended to clarify (i.e., make them easier to understand) the scope of the claims.

New Dependent Claims 20-25

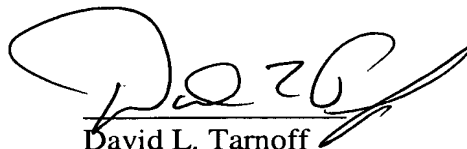
In view of the new rejection based on new prior art, Applicants have added new dependent claims 20-25. These claims recited features that are not disclosed in the prior art of record. Thus, these claims are further allowable over the prior art of record.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-25 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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